



CALIFORNIA FARM BUREAU FEDERATION

DEPARTMENT OF ENVIRONMENTAL ADVOCACY
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293

CAROLYN S. RICHARDSON, DIRECTOR
RONALD LIEBERT
HENRY E. RODEGERDTS
BRENDA JAHNS SOUTHWICK
BECKY DELL SHEEHAN
ATTORNEYS AT LAW

March 27, 2000

TELEPHONE (916) 561-5662
FACSIMILE (916) 561-5691

Mike Madigan, Chair
Sunne McPeak, Vice Chair
Bay-Delta Advisory Council
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

**Re: Proposed Preferred Alternative and
Draft Motion on Preferred Alternative**

Dear Mr. Madigan:

The California Farm Bureau Federation ("Farm Bureau") appreciates this opportunity to provide you with comments regarding the Draft Motion on the Proposed Preferred Alternative ("PPA").

We acknowledge the responsibility of the Bay-Delta Advisory Council ("BDAC") to "recommend the best solution alternative for implementation by the appropriate agencies, as part of the NEPA/CEQA environmental documentation process," pursuant to the BDAC charter. We certainly share your frustration with the broad nature of the PPA. Our frustration is compounded by our disappointment that CALFED administrators seem to be unable to articulate a clear sense of direction when it comes to action (as opposed to process).

On the other hand, the Farm Bureau continues to endorse the CALFED Bay-Delta Program Mission Statement, Objectives and Solution Principles, stated in the June 1999 Revised Phase II Report as follows:

The mission of the CALFED Bay-Delta Program is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta system.

CALFED developed the following objectives for a solution:

- Provide good water quality for all beneficial uses.
- Improve and increase aquatic and terrestrial habitats and improve ecological functions in the Bay-Delta

- to support sustainable populations of diverse and valuable plant and animal species.
- Reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system.
- Reduce the risk to land use and associated economic activities, water supply, infrastructure and the ecosystem from catastrophic breaching of Delta levees.

In addition, any CALFED solution must satisfy the following **solution principles**:

- **Reduce Conflicts in the System** Solutions will reduce major conflicts among beneficial uses of water.
- **Be Equitable** Solutions will focus on solving problems in all problem areas. Improvements for some problems will not be made without corresponding improvements for other problems.
- **Be Affordable** Solutions will be implementable and maintainable within the foreseeable resources of the Program and stakeholders.
- **Be Durable** Solutions will have political and economic staying power and will sustain the resources they were designed to protect and enhance.
- **Be Implementable** Solutions will have broad public acceptance and legal feasibility, and will be timely and relatively simple to implement compared with other alternatives.
- **Have No Significant Redirected Impacts** Solutions will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in their entirety, within the Bay-Delta or to other regions of California.

The Farm Bureau's review of the DPEIS/EIR compels us to conclude that CALFED's Preferred Program Alternative fails to adhere to its mission and conform to these stated objectives and solution principles.

For these reasons, we cannot endorse the PPA as currently written. But we do have the following comments on the Proposed Motion.

1. We agree with the recommendation for "aggressive progress" on these matters as amended:

- Guaranteed funding for ecosystem restoration shall not be exempt from annual appropriations processes (must ensure maximum accountability and transparency).
- Guaranteed Delta outflows for fish populations must be tied to corresponding improvements in (1) ocean fishery conditions as they affect inland population returns, and (2) water supply reliability and availability for all beneficial uses.
- Optimize water use efficiency for environmental, urban and agricultural uses under all circumstances (e.g., ecosystem restoration, storage development, etc.)
- Decisions made regarding storage and conveyance facilities should include completion of permitting relevant to these facilities. Moreover, financing formulae must include all water users – environmental, urban and agricultural – with respect to payment by beneficiaries.

2. We agree with the Preamble Proposal by Alex Hildebrand specifically on the following issues:

- Conflicts among objectives have yet to be analyzed and balanced within the availability of limited resources. Uncertainties in science and technology will require flexibility, but substantial commitments should not be based on highly speculative judgments.

- CALFED commits to compliance with the Mission statement that "Solutions will solve problems in all problem areas. Improvement for some problems will not be made without corresponding improvement for other problems," and CALFED will avoid "redirected impacts." In this context "problem areas" are now understood to include, for example, both terrestrial and aquatic habitat; both export and area of origin (including the Delta) water supply and quality; land and other resource needs for each of urban, environmental, and agricultural purposes as the population grows, etc.. More adequate water quality, for example, for one purpose or region of use does not substitute for less adequate water quality for another purpose or region of use.

- CALFED pledges that every broad or site specific measure for achieving a CALFED goal will be analyzed technically and impartially before adoption and implementation in order to assure compliance with CALFED's principles, compatibility with other goals, avoidance of third party and cumulative impacts, and for a balanced use

of limited natural and financial resources. This will be done and revisions of the plan made by a process covered elsewhere in the ROD.

- In providing for the needs of California's environment and growing population over the lifespan of the plan, CALFED will not rely on depletion of natural soil and groundwater resources.

- Water quality improvement for one region or purpose of use will not be made in a way that would degrade the desirable quality of water for another region or purpose of use. However, the water quality that is desirable differs for different uses. Water trades can, therefore, provide a net benefit, but must be avoided if they cause or exacerbate problems of salt disposal, degrade groundwater quality, or reduce the opportunity for multiple use or reuse of water by parties other than the transferor.

New water development usually provides high quality water, and this can provide an overall water quality improvement which is not adverse to any user or purpose of use. However, manipulation of the new supply to benefit quality for a particular purpose of use may diminish the potential magnitude of the new supply. The use of new supplies will not be made in ways that reduce the potential for narrowing the gap between supply and demand.

We would add the following as Implementation Issues that are important to the Farm Bureau:

Specifically, the Farm Bureau insists CALFED prepare for public scrutiny and agency decision-making the following documents:

1. An agricultural resources mitigation protocol to address any redirection of land or water to non-agricultural uses;

2. A cumulative impacts analysis protocol to address the practices and procedures that (a) will ensure maximum collaboration and coordination among CALFED member agencies and stakeholders; and (b) will spell out performance milestones by which CALFED will measure how projects and programs are contributing to meeting the Mission Statement, Objectives and Solution Principles as reiterated above.¹

¹ Protocol: a) a signed document containing a record of the points on which agreement has been reached by negotiating parties preliminary to a final treaty or compact . . . (Webster's New World Dictionary, Second College Ed., (1970), David Guralnik, Editor.)

Mike Madigan, Chair
Sunne McPeak, Vice Chair
March 27, 2000
Page 5

3. An assurances package (see Exhibit F), that can be incorporated into the Record of Decision for implementation of the Ecosystem Restoration Program Plan and the Multispecies Conservation Strategy in reference to their effects on agricultural resources.

To the extent these Implementation Issues are specifically included in any revised PPA, we would, of course, be delighted to revisit the matter of endorsement.

Sincerely,



BRENDA JAHNS SOUTHWICK

BJS:mo
Attachment

\\SERVER1\SYSTEM\SHARED\LEGAL\WP60\Brenda\CALFED\Preferred Program Alternative Comments 1.doc